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CALIFORNIA



COMMITTEE ON THE JUDICIARY - RANKING MEMBER
SELECT COMMITTEE ON INTELLIGENCE
COMMITTEE ON APPROPRIATIONS
COMMITTEE ON RULES AND ADMINISTRATION

United States Senate

May 21, 2018

Donald F. McGahn II
White House Counsel
The White House
Washington, DC 20500

Dear Mr. McGahn:

Thank you for your letter regarding California's three vacancies on the Ninth Circuit. I believe there is some misimpression that my office is not willing to work with you to fill these vacancies. Nothing could be further from the truth. I remain committed to working together in good faith negotiations to fill these vacancies.

Let me also take a moment to explain how California's judicial selection process has worked for the last 20 years. As we discussed at our meeting in 2017, I have an in-state bipartisan selection committee that has been used to identify qualified and consensus recommendations for judicial vacancies in California under both Republican and Democratic Administrations. In fact, as you may recall, I provided the White House with the names of all the Committee members and agreed to consider additional names for the Committee – none were provided.

After an extensive screening process for the three California vacancies on the Ninth Circuit, I sent to you the Committee's three highest-rated candidates, two of whom are Republicans – Judge Andrew Guilford and Mr. Boris Feldman. In fact, Mr. Feldman was originally recommended to me by a Republican whom I deeply respect, Mr. George Schultz.

I very much look forward to working with you in good faith to arrive at three consensus, mainstream nominees. If any additional information would be helpful, please do not hesitate to contact me at 202.224.9650 or my Judiciary Committee Staff Director, Jennifer Duck, at 202.224.7012.

Best Regards,

Dianne Feinstein
United States Senator